

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff(s),

v.

DAVID KENT FITCH,

Defendant(s).

2:04-CR-262 JCM (PAL)

**ORDER**

Presently before the court is the matter of *United States v. Fitch*, case no. 2:04-cr-262-JCM-PAL.

Petitioner David Fitch has filed a motion to vacate pursuant 28 U.S.C. § 2255. (Doc. # 319). The motion, in part, alleges ineffective assistance of trial and appellate counsel. (*Id.*). On the government's motions, this court waived the attorney-client privilege between petitioner and his attorneys Lisa Rasmussen, Mario Valencia, and David Johnson so that the government may properly respond. (Docs. ## 328, 332).

Before the government responded, Fitch filed a motion seeking an indefinite stay. (Doc. # 334). According to Fitch, he was preparing amendments to his petition when he was sexually assaulted. (*Id.*). Fitch represents that the assault will necessitate surgery, and further that he does not have access to his legal materials, he may be transferred, and he requests more time to prepare his amendments. (*Id.*).

The government consents to a limited extension and requests that the briefing schedule be

1 stayed so that it may file one response.

2 Fitch is hereby ordered to file his amended petition no later than **August 4, 2014**. The  
3 government shall thereafter have **30 (thirty) days** in which to file its response, and Fitch shall have  
4 **30 (thirty) days** in which to file his reply.

5 Accordingly,

6 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the motion to stay (doc. #  
7 334) be, and the same hereby is, GRANTED in part and DENIED in part, consistent with the  
8 foregoing.

9 DATED June 6, 2014.

10  
11   
12 

---

UNITED STATES DISTRICT JUDGE  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28